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Subject: Authority of Consular Officers in Welfare Cases

I. Statutory

United States Code, Title V, Section 151c:

"The Secretary of State may promulgate such rules and regulations as may be necessary to carry out the functions now or hereafter vested in the Secretary of State or the Department of State, and he may delegate authority to perform any of such functions to officers and employees under his direction and supervision."

II. Regulatory

A. Code of Federal Regulations, Title 22 (Foreign Relations), Section 109.4 (renumbered as Section 71.6, December 27, 1957, 22 Federal Register 10841):

"Services for distressed Americans. Officers of the Foreign Service shall extend every possible aid and assistance within their power to distressed American citizens within their districts, ..."

B. Foreign Service Manual, Volume II (Consular Affairs), Section 422.1:

"Assistance to the Distressed. Assistance to American nationals stranded, destitute, sick, injured, or otherwise in need or distress consists essentially of (a) exerting the good offices of the post to the end of obtaining for the distressed person such emergency assistance as he may be eligible to receive from the resources of the locality or from the local welfare organization of the American community, if one exists, and (b) establishing as promptly as possible communication with relatives or friends to obtain needed cooperation, funds, and directions. Prompt and humane action in regard to emergency local assistance is facilitated by knowledge of local laws and procedures relating to social welfare and the care of public charges, and by maintenance of friendly relations with the competent authorities, and with public and private hospitals and other institutions, philanthropic or religious, in a position to be of assistance ..." (Emphasis added.)

III. Consular Practice

A. American consular officers, when aware of American citizens within their districts who are in distress because of apparent mental unbalance, endeavor to have the individual consult competent psychiatric services. If the individual refuses or is immediately dangerous, it is customary, in the absence of other facilities, to call upon the local police who may then invoke legal procedures to have the person submit to medical examination.

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